

**AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH
COUNTY AND EAGLE MOUNTAIN CITY CONCERNING THE
UTAH COUNTY COMMUNICATIONS TOWER**

THIS IS AN INTERLOCAL COOPERATION AGREEMENT ("Agreement"), made and entered into by and between UTAH COUNTY, a political subdivision of the State of Utah, hereinafter "COUNTY," and EAGLE MOUNTAIN CITY, a political subdivision of the State of Utah, hereinafter "CITY."

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act ("Act") , Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the Act, the parties desire to work together through joint and cooperative action that will benefit the residents of COUNTY and CITY.

WHEREAS, all of the parties to this Agreement are public agencies as defined in the Act.

WHEREAS, COUNTY desires that CITY shall provide all electrical materials and labor to construct the electrical utility infrastructure necessary for the Utah County Communications Tower and CITY is willing to do so; and

WHEREAS, CITY desires to install additional associated equipment on the Utah County Communications Tower and,

WHEREAS, it is to the mutual benefit of both COUNTY and CITY to enter into an agreement to facilitate the above desires of COUNTY and CITY,

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Act, as follows:

Section 1. PURPOSE

This is an amendment of Utah County Agreement No. 2013-228 concerning the Utah County Communications Tower executed the 26th day of March, 2013 by and between **UTAH COUNTY**, a body corporate and politic of the State of Utah, hereinafter referred to as “COUNTY,” and **EAGLE MOUNTAIN CITY**, a political subdivision of the State of Utah, hereinafter “CITY.”

Section 2. EFFECTIVE DATE; DURATION

This Amended Agreement shall become effective and shall enter into force, within the meaning of the Act, upon the submission of this Amended Agreement to, and the approval and execution thereof by Resolution of the governing bodies of each of the parties to this Amended Agreement. The term of the Agreement shall be amended to be from the effective date hereof until terminated, but is no longer than 50 years from the date of this Amended Agreement. This Amended Agreement shall not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Utah County Attorney’s Office and the Eagle Mountain City Attorney’s Office. Prior to becoming effective, this Amended Agreement shall be filed with the person who keeps the records of each of the parties hereto.

Section 3. AMENDMENTS

In accordance with Section 9 of the original Agreement, and Section 11-13-205.5, Utah Code Annotated, COUNTY and CITY hereby amend the terms of the Agreement as follows:

- A. Section 1. EFFECTIVE DATE; DURATION is amended according to the language contained in this Amended Agreement, Section 2 EFFECTIVE DATE;

DURATION, as set forth above.

- B. "PROPOSAL I Phase Electrical Service for the UTAH COUNTY COMMUNICATIONS TOWER" is amended by the addition of the following:

Eagle Mountain City additionally requests permission to install a reference receiver and a data modem radio (or equivalent equipment) to be used for transmitting correction data for GPS surveying systems.

Section 3. INCORPORATION OF UNAMENDED PROVISIONS

The remaining provisions of Agreement No. 2013-228 shall remain in full force and effect, and are incorporated in this Amended Agreement as if fully set forth herein.

Section 4. SUBSEQUENT UPGRADES

CITY may upgrade, replace, or repair the equipment installed under PROPOSAL I only after obtaining written permission from COUNTY.

Section 5. EXEMPTION FROM CITY FEES

CITY hereby exempts COUNTY from any obligation to pay CITY fees related to or arising from the Communication Tower and associated property.

UTAH COUNTY

Authorized by Resolution No. 2015-58, authorized and passed on the 28th day of

April 2015.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By: 
LARRY ELLERTSON, Chairman

ATTEST: BRYAN E. THOMPSON
Utah County Clerk/Auditor

By: 
Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
JEFFREY R. BUHMAN, Utah County Attorney

By: 
Deputy County Attorney

EAGLE MOUNTAIN CITY

Authorized by Resolution No. _____, authorized and passed on the _____ day of

_____ 2015.

UTAH

CITY COUNCIL, EAGLE MOUNTAIN CITY,

By: _____
_____, Chairman

ATTEST: _____
City Clerk/Auditor

By: _____
Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

_____, Eagle Mountain City Attorney

By: _____